

### **REMARKS**

Claims 1-4, 6-9, 11-16, 18-21, 23, and 24 are now pending in the application. Claims 5, 10, 17, and 22 are cancelled. Claims 1, 2, 6, 11, 13, 14, 18, and 23 are amended. The amendments after final action are in compliance with MPEP § 714.12 and place the application in condition for allowance. Specifically, independent claims 1, 2, 13, and 14 have been amended to recite limitations similar to those previously recited by claims 17 and 22, which the Examiner has stated would be allowable if amended to include all of the limitations of the base claim and any intervening claims.

Applicant's representatives thank the Examiner for the courtesies extended during the telephone interview of January 24, 2007. The amendments to claims 1 and 2 were discussed in light of the cited art. An agreement was not reached. However, the Examiner acknowledged that amended claims 1 and 2 appear to define over the cited art.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-6, 8-11, 13-16, 18-21, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imakado et al. (U.S. Pub. No. 2003/0083816) in view of Krasner et al. (U.S. Pat. No. 6,665,541). With respect to claims 5 and 10, the rejection is rendered moot by cancellation. With respect to claims 1-4, 6, 8-9, 11, 13-16, 18-21, and 23 the rejection is respectfully traversed.

Claim 1 recites a positioning system wherein a measurement device comprises a mobile terminal in good conditions, wherein a position P of the measurement device can be determined without accurate time information, and wherein the measurement device measures P and TR and voluntarily reports the measured P and TR to the control device. Similar limitations are recited by claims 2, 13, and 14 and were previously recited by claims 17 and 22, which the Examiner has stated would be allowable if rewritten in independent form.

For at least these reasons, Imakado et al. and Krasner et al. fail to teach or suggest the positioning system recited by claims 1, 2, 13, and 14. With regard to claims 3-4, 6, 8-9, 11, 15-16, 18-21, and 23, Applicant notes that each either directly or indirectly depends from claims 1, 2, 13, or 14, which define over the prior art as discussed above. Therefore, claims 3-4, 6, 8-9, 11, 15-16, 18-21, and 23 also define over the prior art. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1-6, 8-11, 13-16, 18-21, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Mieno et al. (JP 2002189072A) in view of Krasner et al. With respect to claims 5 and 10, the rejection is rendered moot by cancellation. With respect to claims 1-4, 6, 8-9, 11, 13-16, 18-21, and 23 the rejection is respectfully traversed.

As noted above, claims 1, 2, 13, and 14 recite limitations similar to those previously recited by claims 17 and 22, which the Examiner has stated would be allowable if rewritten in independent form. Thus, Mieno et al. and Krasner et al. fail to teach or suggest the positioning system recited by claims 1, 2, 13, and 14. With regard

to claims 3-4, 6, 8-9, 11, 15-16, 18-21, and 23, Applicant notes that each either directly or indirectly depends from claims 1, 2, 13, or 14, which define over the prior art as discussed above. Therefore, claims 3-4, 6, 8-9, 11, 15-16, 18-21, and 23 also define over the prior art. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 1-6, 8-11, 13-16, 18-21, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Breed (U.S. Pub. 2002/0121132) in view of Krasner et al. With respect to claims 5 and 10, the rejection is rendered moot by cancellation. With respect to claims 1-4, 6, 8-9, 11, 13-16, 18-21, and 23 the rejection is respectfully traversed.

As noted above, claims 1, 2, 13, and 14 recite limitations similar to those previously recited by claims 17 and 22, which the Examiner has stated would be allowable if rewritten in independent form. Thus, Breed and Krasner et al. fail to teach or suggest the positioning system recited by claims 1, 2, 13, and 14. With regard to claims 3-4, 6, 8-9, 11, 15-16, 18-21, and 23, Applicant notes that each either directly or indirectly depends from claims 1, 2, 13, or 14, which define over the prior art as discussed above. Therefore, claims 3-4, 6, 8-9, 11, 15-16, 18-21, and 23 also define over the prior art. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 7, 12, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over any one of Imakado in view of Krasner, Mieno in view of Krasner, and Breed in view of Krasner, and in further view of Vannucci (U.S. Pub. No. 2004/0189515). The rejection is respectfully traversed.

Applicant notes that claims 7, 12, and 24 each either directly or indirectly depend from claims 1 or 13, which define over the prior art as discussed above. Therefore, claims 7, 12, and 24 also define over the prior art. Reconsideration and withdrawal of the rejections are respectfully requested.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 17 and 22 would be allowable if amended to include all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for recognizing the allowable subject-matter of claims 17 and 22. Independent claims 1, 2, 13, and 14 have been amended to recite limitations similar to those previously recited by claims 17 and 22 which have been cancelled.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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